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EXAMINER

SCHNURR, JOHN R

ART UNIT	PAPER NUMBER
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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,829

Applicant(s)

KARAOGUZ ET AL.

Examiner

John R. Schnurr

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment After Non-Final Rejection filed 12/19/2007. Claims 1-38 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 12/19/2007 have been fully considered but they are not persuasive.

In response to applicant's argument (Remarks pg. 9 para. 3 to pg. 11 para. 5) that Matz (US PG PUB 2004/0261096) fails to teach the idle state media being stored at the same location as the set top box circuitry, the examiner respectfully disagrees. Referring to Fig. 12 Matz clearly teaches selecting a screen saver from a local storage device; in this case field 1210 shows the screen saver is stored on the local hard drive, [0130].

In response to applicant's argument (Remarks pg. 11 para. 6 to pg. 12 para. 1) with regard to the independent claims please refer to the above comment.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7, 8, 10-12, 14-27, 29-32, 35, 36 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by **Matz (US Patent Application Publication 2004/0261096)**.

Consider **claim 1**, Matz clearly teaches a system supporting media display sequencing, comprising:

a television display at a first location; **(Fig. 1: Client device 104 includes a television screen 116, [0045].)**

storage at the first location for storing media; **(Fig. 12: The screen saver maybe stored on the local hard drive, c:, [0130].)**

a user interface for identifying media as one of idle state media and scheduled media; **(Fig. 12: The user may select a file to be used as a screen saver, [0130].)**

set top box circuitry at the first location communicatively coupled to support consumption of at least one of idle state media and scheduled media by the first television display; **(Fig. 3: User input/output module 318 [0061].)**

the set top box circuitry at the first location causing the displaying, from the storage at the first location, of idle state media when no scheduled media is available. **(The client device displays a screen saver during blocked content, [0139].)**

Consider **claim 2**, Matz clearly teaches the identified media comprises at least one of audio, a still image, video, and data. **([0138])**

Consider **claim 3**, Matz clearly teaches a packet network interface communicatively coupled to the set top box. **([0048])**

Consider **claim 4**, Matz clearly teaches the packet network interface is compatible with at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure. **([0048])**

Consider **claim 7**, Matz clearly teaches at least one media capture device communicatively coupled to the storage. **([0052])**

Consider **claim 8**, Matz clearly teaches the at least one media capture device comprises at least one of a digital camera, a digital camcorder, a DVD player, and a CD player. **([0052])**

Consider **claim 10**, Matz clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

identifying media as one of idle state media and scheduled media based upon input from a user at a first location; **(Fig. 12: The user may select a file to be used as a screen saver, [0130].)**

storing the idle state media at the first location; **(Fig. 12: The screen saver maybe stored on the local hard drive, c:, [0130].)**

causing the displaying of the idle state media through set top box circuitry at the first location according to a user defined sequence, if no scheduled media is available; and refraining from causing the displaying of the idle state media set top box circuitry if scheduled media is available. **(The client device displays a screen saver during blocked content, [0139].)**

Consider **claim 11**, Matz clearly teaches the identifying is performed using at least one of a set top box, a personal computer, and a television. **([0049])**

Consider **claim 12**, see claim 2.

Consider **claim 14**, see claim 2.

Consider **claim 15**, Matz clearly teaches receiving media from a second location. **([0048])**

Consider **claims 16, 17 and 18**, Matz clearly teaches the receiving is performed using a packet network, wherein the packet network is the Internet. **([0048])**

Consider **claim 19**, Matz clearly teaches the second location is a server. **([0048])**

Consider **claim 20**, Matz clearly teaches the server comprises at least one of at least one of a 3rd party media provider, a 3rd party service provider, a network server, and a broadband head end. **[[0045]]**

Consider **claim 21**, Matz clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

receiving media at a first location; **[[0045]]**

storing the media at the first location; **(Fig. 12: The screen saver maybe stored on the local hard drive, c:, [0130].)**

identifying the media as one of idle state media and scheduled media based upon input from a user; **(Fig. 12: The user may select a file to be used as a screen saver, [0130].)**

causing the displaying of the idle state media set top box circuitry at the first location according to a user defined sequence, when no scheduled media is available; and refraining from causing the displaying of the idle state media set top box circuitry if user scheduled media is available. **(The client device displays a screen saver during blocked content, [0139].)**

Consider **claim 22**, Matz clearly teaches the idle state media resides on local storage. **(The user device comprises memory devices 204, 208 and 210, [0052], the screen saver may be stored on these devices, [0130].)**

Consider **claim 23**, Matz clearly teaches the scheduled media resides on at least one of local storage, a 3rd party media provider, a 3rd party service provider, a network server, and a broadband head end. **[[0045]]**

Consider **claim 24**, see claim 17.

Consider **claim 25**, see claim 2.

Consider **claim 26**, see claim 2.

Consider **claim 27**, see claim 13.

Consider **claim 29**, Matz clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

set top box circuitry at a first location communicatively coupled to support consumption of at least one of idle state media and scheduled media by a display device; (**Fig. 3: User input/output module 318 [0061].**)

the set top box circuitry at the first location causing the displaying, from a storage at the first location, of idle state media when no scheduled media is available. (**The client device displays a screen saver during blocked content, [0139].**)

Consider **claim 30**, see claim 2.

Consider **claim 31**, see claim 3.

Consider **claim 32**, see claim 4.

Consider **claim 35**, see claim 7.

Consider **claim 36**, see claim 8.

Consider **claim 38**, the display device is one of a plasma display, a liquid crystal display, and a TV screen. (**Fig. 1 Television screen 116 [0045]**)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **5, 6, 13, 33 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Matz (US Patent Application Publication 2004/0261096)** in view of **Hamano et al. (US Patent Application Publication 2002/0166127)**, herein Hamano.

Consider **claims 5, 13 and 33**, Matz clearly teaches a set top box at a first location causing the display of idle state media when no scheduled media is available.

However, Matz does not explicitly teach at least one display device at a second location communicatively coupled to the set top box circuitry, which receives idle state media from the set top box.

In an analogous art, Hamano, which discloses a system for providing media to a remote device, clearly teaches a display device at a second location communicatively coupled to the set top box circuitry, which receives idle state media from the set top box. **(Fig. 3: Remote display terminal receives media from the set top box, [0044]. The media is a screen saver, [0037].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Matz by sending the screen saver to a remote device for display, as taught by Hamano, for the benefit of displaying advertisements to the user while the device is not being used ([0037] Hamano).

Consider **claims 6 and 34**, Matz combined with Hamano clearly teaches the at least one display device at a second location is one of a plasma display, a liquid crystal display, or a TV screen. **(Fig. 4: Display 411 displays video data, [0046]-[0047] Hamano.)**

5. Claims **9 and 37** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Matz (US Patent Application Publication 2004/0261096)** in view of **Takahashi (US Patent 6,308,329)**.

Consider **claims 9 and 37**, Matz clearly teaches sending data to a user device using the internet.

However, Matz does not explicitly teach the identified media is pushed to the system.

In an analogous art Takahashi, which discloses a system for displaying data received by a STB from a server, clearly teaches the identified media is pushed to the system. **(column 1 lines 57-59)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Matz by pushing the identified media to the system, as taught by Takahashi, for the benefit of delivering the data to the user without the need for user interaction (see column 1 lines 26-32 Takahashi).

6. Claim **28** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Matz (US Patent Application Publication 2004/0261096)** in view of **Shaffer et al. (US Patent 6,145,083)**, herein Shaffer.

Consider **claim 28**, Matz clearly teaches displaying idle state media.

However, Matz does not explicitly teach causing, immediately, the displaying of the idle state media based upon user input.

In an analogous art Shaffer, which discloses a system for displaying data received by a STB from a server, clearly teaches causing, immediately, the displaying of the idle state media based upon user input. (**column 5 lines 56-67**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Matz by immediately displaying the idle state media based on user input, as taught by Shaffer, for the benefit of allowing the user to lock the device (see column 5 lines 56-67 Shaffer).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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